

DEPARTMENT OF INDUSTRIAL RELATIONS
DIVISION OF LABOR STATISTICS & RESEARCH
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San Francisco, CA 94102

ADDRESS REPLY TO:

San Francisco *P.O. Box 420603*
CA 94142-0603



TRAVEL AND SUBSISTENCE PROVISION

FOR

METAL ROOFING SYSTEMS INSTALLER

IN

**ALAMEDA, CONTRA COSTA, MENDOCINO,
AND SOLANO COUNTIES**

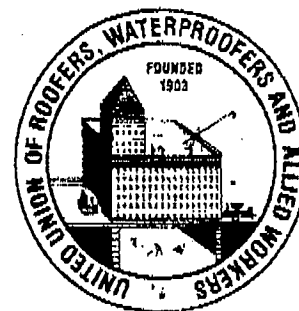
ROOFING INDUSTRY JOINT BOARDS AND COMMITTEES

232-81-1



8301 EDGEWATER DRIVE, OAKLAND, CALIFORNIA 94621

TELEPHONE (510) 835-8800



August 1, 2005

AGREEMENT

The following modifications to the 2000-2005 Working Agreement between Associated Roofing Contractors of the Bay Area Counties, Inc. and Local Union No. 81 of the United Union of Roofers, Waterproofers and Allied Workers, AFL-CIO, have been mutually agreed to, effective August 1, 2005:

1. A five-year Agreement: August 1, 2005 to July 31, 2010.
2. Establish a uniform apprenticeship training contribution of \$0.30 per hour for Journeymen and all apprenticeship brackets. The entire \$0.30 per hour contribution amount for the first apprenticeship bracket shall be allocated to a special fund for purposes of acquiring a training center. For all other apprenticeship brackets, and for Journeymen, \$0.10 only of the total hourly apprenticeship training contribution shall be allocated to a special fund for purposes of acquiring a training center.
3. Add a new Article establishing the East Bay Roofers Labor-Management Trust and set a uniform contribution of \$0.10 per hour for Journeymen and all apprenticeship brackets. The primary purposes of the Trust are to enforce the terms of this Agreement and to preserve and protect work opportunities for signatory roofing contractors and the union craftsmen they employ.
4. Increase the hourly wage rate for Journeymen (Class Code "J") by \$1.50 per hour, allocated as follows: \$1.25 to wages and \$0.25 to pension. Effective February 1, 2006 there will be a Journeyman increase of \$0.75 per hour. Effective August 1, 2006 there will be a Journeyman increase of \$1.25 per hour. Effective August 1, 2007 there will be a Journeyman increase of \$1.25 per hour. Effective August 1, 2008 there will be a Journeyman increase of \$1.00 per hour. Effective August 1, 2009 there will be a Journeyman increase of \$1.00 per hour. Effective August 1, 2005 wage and fringe contribution rates for Journeymen will be as follows:

<u>Date</u>	<u>Wage Rate</u>	<u>Vacation</u>	<u>H & W</u>	<u>Pension</u>	<u>Appx. Trng.</u>	<u>Pro. Fund</u>	<u>Labor-Mgt. Trust</u>	<u>Total</u>
8/1/2005	\$25.90	\$3.11	\$5.79	\$3.25	\$0.30	\$0.25	\$0.10	\$38.70
2/1/2006					\$0.30	\$0.25	\$0.10	\$39.45
8/1/2006					\$0.30	\$0.25	\$0.10	\$40.70
8/1/2007					\$0.30	\$0.25	\$0.10	\$41.95
8/1/2008					\$0.30	\$0.25	\$0.10	\$42.95
8/1/2009					\$0.30	\$0.25	\$0.10	\$43.95

5. Establish new percentages associated with each bracket of apprenticeship; a vacation contribution of \$1.10 per hour in all apprenticeship brackets; a promotion fund contribution of \$0.25 per hour in apprenticeship brackets 1, 2 and 3; and a health and welfare contribution of \$1.17 per hour in



the first bracket of apprenticeship. The health and welfare contribution rate in the first bracket of apprenticeship shall increase to \$1.44 per hour effective August 1, 2006; to \$1.71 per hour effective August 1, 2007; to \$1.98 per hour effective August 1, 2008; and to \$2.25 per hour effective August 1, 2009.

The following Schedule A contains the appropriate wage and fringe contribution rates for apprentices indentured, assigned to or advancing between brackets on or after August 1, 2005:

Schedule A

<u>Bracket</u>	<u>Code</u>	<u>Wages-Percent of</u>	<u>Journeyman Wage</u>	<u>Vacation</u>	<u>H&W</u>	<u>Pension</u>	<u>Appr. Trng.</u>	<u>Pro. Fund</u>	<u>Labor-Mgt. Trust</u>	<u>Total</u>
1 st 6 mos.	1-C	45%	\$11.66	\$1.10	\$1.17	\$0.10	\$0.30	\$0.25	\$0.10	\$14.68
2 nd 6 mos.	2-C	48%	\$12.43	\$1.10	\$5.79	\$0.10	\$0.30	\$0.25	\$0.10	\$20.07
3 rd 6 mos.	3-C	50%	\$12.95	\$1.10	\$5.79	\$0.10	\$0.30	\$0.25	\$0.10	\$20.59
4 th 6 mos.	4-C	55%	\$14.25	\$1.10	\$5.79	\$0.60	\$0.30	\$0.25	\$0.10	\$22.39
5 th 6 mos.	5-C	65%	\$16.84	\$1.10	\$5.79	\$1.10	\$0.30	\$0.25	\$0.10	\$25.48
6 th 6 mos.	6-C	75%	\$19.43	\$1.10	\$5.79	\$1.60	\$0.30	\$0.25	\$0.10	\$28.57
Master Appr.	7-C	90%	\$23.31	\$1.10	\$5.79	\$2.10	\$0.30	\$0.25	\$0.10	\$32.95

6. Increase the hourly premium for 1st Foreman (crews of 3 or more) to \$3.00 per hour and increase the hourly premium for Additional Foreman, Foreman on crews of 3 or less and Shingler Foreman to \$0.75 per hour.
8. Amend existing Article I (Scope of Work) to include epoxy injection.
9. Amend existing Article V (Union Security and Employment) to provide that notwithstanding the Alcohol and Drug Policy adopted May 12, 1992, employers who elect to conduct pre-employment alcohol and drug screening shall utilize "instant" tests, unless government mandates or contractual requirements call for the use of non-instant tests. Prospective employees whose "instant" test results are negative shall be put to work, if otherwise eligible for hire. Prospective employees whose "instant" test results are inconclusive shall be re-tested under the terms, conditions and procedures specified in the Alcohol and Drug Policy adopted May 12, 1992.
10. Amend Section 4 of existing Article VII (Licensing, Workers' Compensation Insurance and Safety) to substitute the term "general liability" for the term "workers' compensation".
11. Incorporate existing Addendum Eight (ADR) into the body of the Working Agreement as new Section 5 of existing Article VII (Licensing, Workers' Compensation Insurance and Safety).
12. Amend Section 1 of existing Article VIII (Holidays), to recognize Presidents' Day rather than Washington's Birthday as a Legal Holiday.

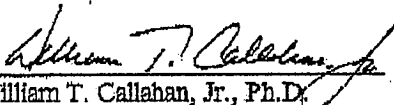
13. Amend Section 5 of existing Article XII (Travel) to state that when overnight lodging is necessary, employer-paid hotel rooms of not less than Motel 6 quality, two persons per room, shall be provided.
14. Amend Section 6 of existing Article XII (Travel) to provide for mileage reimbursement at the rate established annually by the Internal Revenue Service.
15. Amend Section 6 of existing Article XII (Travel) by adding a new subsection (b) to provide that if the Individual Employer directs the employee to use his or her personal vehicle to report to the job site and free parking is not available, the Individual Employer shall designate one or more approved paid parking locations. If the employee utilizes an approved parking location, the Individual Employer upon the submission of a valid receipt shall reimburse the employee's actual parking expense. Necessary bridge tolls paid by the employee shall also be reimbursed by the Individual Employer upon the submission of a valid receipt.
16. Amend existing Article XXI (Apprenticeship Training) to provide for establishing a special joint oversight committee to assist the JATCs to improve the training program, address the specific concerns voiced by Local 81 during negotiations and manage the process of acquiring a training center.
17. Amend existing Article XXIII (Bonding) to increase the minimum amount of the required fringe fund bond to \$25,000 and to provide for discussing with the Local ways and means of ensuring that all signatory contractors comply with this requirement.
18. Delete existing Article XXX (Jurisdictional Disputes) in its entirety.
19. Delete existing Addendum Nine and the associated Memorandum of Understanding pertaining to the negotiation of the ADR Agreement.

The remainder of our present Working Agreement for the Local 81 area is to remain unchanged, except as it may need to be modified to conform to the items contained herein.

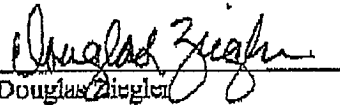
ASSOCIATED ROOFING CONTRACTORS
OF THE BAY AREA COUNTIES, INC.

ROOFERS LOCAL UNION NO. 81,
UNITED UNION OF ROOFERS,
WATERPROOFERS AND ALLIED
WORKERS, AFL-CIO

By:


William T. Callahan, Jr., Ph.D.
Executive Secretary

By:


Douglas Ziegler
Business Representative

232-81-1

WORKING AGREEMENT

between

RECEIVED
Department of Industrial Relations

OCT 08 2004

Div. of Labor Statistics & Research
Chief's Office

LOCAL NO. 81

of the

**UNITED UNION OF ROOFERS,
WATERPROOFERS AND ALLIED
WORKERS, AFL-CIO**

and

**ASSOCIATED ROOFING CONTRACTORS
OF THE BAY AREA COUNTIES, INC.**

AUGUST 1, 2000 – JULY 31, 2005

ARTICLE XII

Travel

Section 1. Employees may be instructed by the Individual Employer to report directly to the job-site. Employees who are instructed to report directly to a job-site within the free zone shall receive no travel time, expense reimbursement or auto mileage allowance. All employees required to report to the shop shall be compensated at the employee's applicable wage rate.

If an employee elects to report to the employer's shop to receive transportation in a company vehicle to and/or from the job-site within the free zone, the employee will receive no travel time or expense allowance. Time spent for traveling beyond the free zone shall be paid at the employee's applicable wage rate only. If such traveling occurs during an overtime period, the applicable overtime wage rate shall be paid.

When employees are transported in vehicles furnished by the Individual Employer, such transportation shall be safe and lawful. When traveling in an Individual Employer's vehicle outside the city limits of the Individual Employer's shop, employees are to be protected from wind and rain.

Section 2.

- (a) Employees shall be compensated for the actual time spent driving trucks from the Individual Employer's shop to the first job-site, or to the first stop on the way to the first job-site if the stop is for a legitimate business purpose related to the roofing work which is to be done, and for the actual time spent driving trucks from the last job-site to the shop, or from the last stop when returning from the last job-site to the shop if the stop is for a legitimate business purpose related to the roofing work which has been performed, at their applicable straight time rates of wages only. When such driving occurs during an overtime period, the applicable overtime wage rate shall be paid.

On no occasions are fringe fund contributions required until employees driving trucks reach the first job-site, or the first roofing related business stop as described above. At such time, fringe fund contributions which are applicable to the employee's classification or category will commence and will continue for all the time for which the employee is paid wages until the employee leaves his/her last job-site, or the last roofing related business stop as described above, following which no further fringe fund contributions are required for that work day.

- (b) Employees shall be compensated for the actual time spent driving trucks from the first roofing related business stop as described in Section 2(a) above to the first job-site, if applicable; from job-site to job-site; and from the last job-site to the last roofing related business stop, if applicable; at their applicable straight time rates of wages. When such driving occurs during an overtime period, the applicable overtime wage rate shall be paid.

For such driving, fringe fund contributions which are applicable to the employee's classification or category shall be paid.

- (c) Any employee may drive a truck with preference being given to Foremen and Journeymen who have a valid California driver's license and who are acceptable to the Employer's insurance company.
- (d) The payment of "wages" for any activity does not make that activity into "work" if it would not otherwise be considered to be work.

Section 3. Employees shall be reimbursed for their costs and expenses of travel as follows:

- (a) There is a free zone of forty-five (45) miles radius from the Individual Employer's shop.
- (i) Unless required to report to the shop, employees shall not be compensated for the time spent traveling within the free zone radius from the Individual Employer's shop to the initial job-site for the day, or to the first stop on the way to the initial job-site if the stop is for a legitimate business purpose related to the roofing work which is to be done, and for the time spent traveling from the last job-site each day to the shop, or from the last stop when returning from the final job-site to the shop if the stop is for a legitimate business purpose related to the roofing work which has been performed. The normal dispatch of employees to a project is not work and does not start an employee's work for the day, nor is the return from a job or a roofing

related business stop to the shop work.

- (ii) If employees who are traveling from the shop to a job-site stop en route for a legitimate business purpose related to the roofing work which is to be done, wages at each employee's applicable straight time rate of wages and full fringe fund contributions which are applicable to the employee's classification or category will commence at the stop and will continue until the employee reaches the job-site.
- (iii) If employees who are returning from a job-site to the shop at the end of the work day stop en route for a legitimate business purpose related to the roofing work which has been performed, wages at each employee's applicable straight time rate of wages and full fringe fund contributions which are applicable to the employee's classification or category will continue until the employee reaches the last roofing related business stop, following which no further wages or fringe fund contributions are required for that work day.
- (iv) If employees travel from job-site to job-site within the free zone during the regular work day, wages at each employee's applicable straight time rate of wages and full fringe fund contributions which are applicable to the employee's classification or category shall be paid.
- (v) When traveling described in subparagraphs (ii), (iii) or (iv) above occurs during an overtime period, the applicable overtime wage rate shall be paid.
- (b) For travel expenses beyond the free zone the Individual Employer shall reimburse the employee thirty-four (\$34.00) dollars per day.
- (c) However, at the Individual Employer's option, instead of reimbursing the employee for travel expense as provided in subparagraph (b) above, the Individual Employer may compensate the employee for time spent in traveling beyond the free zone as follows:
 - (i) For the actual time of travel from the Individual Employer's free zone radius border to the initial job-site for the day, or to the first stop on the way to the initial job-site if the stop is for a legitimate business purpose related to the roofing work which is to be done, and from the last job-site, or from the last stop when returning from the final job-site if the stop is for a legitimate business purpose related to the roofing work which has been performed, to the Individual Employer's free zone radius border at the employee's applicable straight time rate of wages only.

When such traveling beyond the free zone radius occurs during an overtime period, the applicable overtime wage rate shall be paid.

Such travel expense beyond the free zone radius is compensatory up to a maximum of thirty-four (\$34.00) dollars per day.

On no occasions are fringe fund contributions required until employees who are traveling reach the first job-site, or the first roofing related business stop as described above, which are located beyond the free zone radius. At such time, fringe fund contributions which are applicable to the employee's classification or category will commence and will continue for all the time for which the employee is paid wages until the employee leaves his/her last job-site, or the last roofing related business stop as described above, following which no further fringe fund contributions are required for that work day.

- (ii) Employees shall be compensated for the actual time spent traveling from the first roofing related business stop beyond the free zone radius as described in subparagraph (c)(i) above to the first job-site, if applicable; traveling between jobs beyond the free zone radius; and traveling from the last job-site to the last roofing related business stop beyond the free zone radius, if applicable; at their applicable straight time rates of wages.

When such travel beyond the free zone radius occurs during an overtime period, the applicable overtime wage rate shall be paid.

When such travel beyond the free zone radius occurs, fringe fund contributions which are applicable to the employee's classification or category shall be paid.

- (d) The payment of "wages" for any activity does not make that activity into "work" if it would not otherwise be considered to be work.
- (e) Employees will continue to receive mileage from the Individual Employer's shop when transportation is not furnished by the Employer and employees are requested to use their own cars as provided in Section 6 of this ARTICLE.

Section 4.

- (a) For the purpose of clarification, a shop shall be defined as a regular established place of business in which roofing materials are regularly stored and from which workmen and equipment are dispatched. Any Individual Employer establishing an additional shop or shops must have them in actual existence and operating one hundred twenty (120) days before a job-site is started for the purposes of this ARTICLE.
- (b) Local No. 81 will continue to maintain two offices for dispatching purposes, one located in Oakland and the other located in San Rafael.
 - (i) For any Individual Employer with an established shop located in Alameda or Contra Costa Counties and doing work within Alameda or Contra Costa Counties, the Employer shall use his/her established shop as defined in Section 4(a) for the purposes of this ARTICLE.
 - (ii) For any Individual Employer with an established shop located in Alameda or Contra Costa Counties and doing work within Lake, Marin, Mendocino, Napa, Solano, or Sonoma Counties, the Employer shall use his/her established shop as defined in Section 4(a) for the purposes of this ARTICLE insofar as his/her regular employees are concerned. If the Employer elects to hire any additional employees covered by this Agreement for the particular project, at the Employer's option, the Employer may use either the office of Local No. 81 in San Rafael or his/her established shop for the purposes of this ARTICLE for such newly hired employees for that particular project.
 - (iii) For any Individual Employer with an established shop located in Lake, Marin, Mendocino, Napa, Solano, or Sonoma Counties and doing work within any of those six Counties, the Employer shall use his/her established shop as defined in Section 4(a) for the purposes of this ARTICLE.
 - (iv) For any Individual Employer with an established shop located in Lake, Marin, Mendocino, Napa, Solano, or Sonoma Counties and doing work within Alameda or Contra Costa Counties, the Employer shall use his/her established shop as defined in Section 4(a) for the purposes of this ARTICLE insofar as his/her regular employees are concerned. If the Employer elects to hire any additional employees covered by this Agreement for the particular project, at the Employer's option, the Employer may use either the office of Local No. 81 in Oakland or his/her established shop for the purposes of this ARTICLE for such newly hired employees for that particular project.
 - (v) For any Individual Employer with an established shop outside the territorial jurisdiction of Roofers' Local Union No. 81 and doing work within Alameda or Contra Costa Counties, the Oakland office of Local No. 81 shall be classed as his/her shop for the purposes of this ARTICLE.
 - (vi) For any Individual Employer with an established shop outside the territorial jurisdiction of Roofers' Local Union No. 81 and doing work within Lake, Marin, Mendocino, Napa, Solano, or Sonoma Counties, the San Rafael office of Local No. 81 shall be classed as his/her shop for the purposes of this ARTICLE.

See amendment
Section 5. When it is necessary for an employee to remain out of town overnight, the Individual Employer agrees to pay all reasonable expenses. When previous arrangements have not been made, each employee shall be reimbursed not less than thirty-four (\$34.00) dollars per day for such expenses.

See amendment
Section 6. Use of Employee's Car. When the Individual Employer does not furnish transportation and employees are requested to use their own cars when traveling from shop to job, or job-to-job, or job to shop, they shall receive thirty-five (\$0.35) cents per mile.